

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KHALILAH SULUKI,

Plaintiff,

v.

CREDIT ONE BANK NA, *et al.*

Defendants.

Docket No. 1:21-cv-01156-SHS

**INITIAL DISCLOSURES OF DEFENDANT,
CAPITAL ONE BANK (USA), N.A.**

Defendant, Capital One Bank (USA), N.A. (improperly identified as Capital One Bank NA) (“Capital One”), hereby makes the following initial disclosures pursuant to Rule 26 of the Federal Rules of Civil Procedure.

I. PRELIMINARY STATEMENT

Capital One reserves the right to supplement this disclosure statement to the extent permitted by the Federal Rules of Civil Procedure. Capital One does not concede the relevancy of any information contained in or derived from this disclosure statement. Capital One has identified those individuals whom it reasonably believes may have substantial information bearing on the parties’ claims or defenses and whom Capital One may call as witnesses at trial. Capital One reserve the right to identify additional individuals and documents as discovery proceeds. These disclosures are submitted without waiver of any applicable privilege or protection from disclosure, such as the attorney-client privilege and the attorney work-product doctrine.

II. INITIAL DISCLOSURES

A. Individuals Who Likely Have Discoverable Information and Who May Be Used to Support Claims or Defenses:

1. Plaintiff, Khalilah Suluki ("Plaintiff"), regarding her claims involving alleged improprieties in the servicing of her credit card by Capital One.
2. Plaintiff's Mother Khadijah Suluki, regarding Plaintiff's claims involving identify theft of Plaintiff's accounts with Capital One and co-defendants Credit One Bank and Comenity Bank.
3. Corporate representative(s) of Capital One that may have knowledge relevant to the customer account(s) associated with Plaintiff, and Capital One's business records relating to the servicing of Plaintiffs' credit card.
4. Corporate representative(s) of Transunion LLC that may have knowledge relevant to the Plaintiff's credit report.
5. Corporate representative(s) of Equifax Information Services, LLC that may have knowledge relevant to Plaintiff's credit report.
6. Corporate representative(s) of Experian Information Solutions, Inc. that may have knowledge relevant to Plaintiff's credit report.
7. Corporate representative(s) of Comenity Bank that may have knowledge of the accounts giving rise to the claims in the Complaint.
8. Corporate representative(s) of Credit One Bank that may have knowledge of the accounts giving rise to the claims in the Complaint.
9. Individuals identified in Plaintiff's Initial Disclosures.
10. Capital One reserves the right to supplement and/or amend this disclosure as discovery progresses.

Capital One also identifies all persons identified in pleadings, motions, or discovery in this action, whether by any party or any third party. As to any individuals who are current or former employees of Capital One, Capital One does not consent to Plaintiff contacting Capital One's employees, except through undersigned counsel for Capital One.

B. General Description of All Documents, Data, Compilations, and Tangible Things in the Possession, Custody, or Control of Capital One That May Be Used to Support Its Claims and Defenses in This Action, Unless Used Solely for Impeachment:

1. All documents identified in any pleadings, motions, or discovery.
2. Capital One's records concerning the servicing of Plaintiff's account, including but not limited to credit card agreements, correspondence, payment histories, account notes, and call recordings.
3. Capital One's business records concerning the transactions on Plaintiff's credit card and the cancellation of Plaintiff's credit card with Capital One.
4. Plaintiff's records concerning her account serviced by Capital One and her communications with Capital One.
5. Documents identified in Plaintiff's Initial Disclosures.
6. Capital One reserves the right to supplement and/or amend this disclosure as discovery progresses.

Discovery is ongoing, and there may be other documents and information later identified in this matter that Capital One may use to support their defenses. Capital One will supplement this disclosure as required by the Federal Rules of Civil Procedure.

C. Computation of Damages Claimed:

No damages are claimed by Capital One against any other party at this time. Capital One reserves the right to supplement and/or amend this disclosure as discovery progresses. Capital One will analyze and refute Plaintiff's damages claims as discovery continues.

D. Insurance Agreements That May Cover Any Judgment:

None.

Dated: May 11, 2021

Respectfully Submitted,

By: /s/ Jacqueline Aiello
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*Attorneys for Defendant, Capital One Bank (USA),
N.A. (improperly identified as Capital One Bank
NA)*

CERTIFICATE OF SERVICE

I, hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants on May 11, 2021.

/s/ Jacqueline M. Aiello
Jacqueline M. Aiello